IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

MISC.CIVIL APPLICATION NO. 109 OF 2004

Mrs.Yogita Shashikant Sardar. ... Applicant.

Versus.

Shashikant Sambhaji Sardar. ... Respondent.

Shri Amey Tamhane holding for Ms.Seema Sarnaik for the Applicant.

Shri M.B.Shirsat for the Respondent.

CORAM : ABHAY S. OKA, J.

DATED : 15th March, 2005.

P.C.:

1. This Application under section 24 of the Code of Civil Procedure, 1908, is filed by the Applicant wife praying for transfer of the petition filed by the Respondent-husband in the Family Court at Bandra to the Court of the Civil Judge, Senior Division, Malegaon. The ground of transfer pleaded is based on convenience of the Applicant.

2. The learned Counsel appearing for the Respondent stated that the hearing of the Petition in the Family Court has already commenced and evidence of the Respondent is being recorded. On instructions he stated that though the Family Court has directed the Respondent to pay a sum of Rs.120/- towards the travelling expenses of the Applicant and a sum of Rs.120/- as travelling expenses of an escort, the Respondent is ready and

willing to pay a sum of Rs.200/- each on both the counts from the next date. The statement is accepted.

3. As the petition in the Family Court is already partly heard and the Respondent has offered to increase travelling expenses, no case is made out for transfer. Subject to the statement made by the learned Counsel for the Respondent, which has been accepted, the Misc. Civil Application is rejected.

Judge.